

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

CONCORDIA PARTNERS, LLC,  
Plaintiff/Counterclaim Defendant

V.

DAVID S. WARD,  
Defendant/Counterclaim Plaintiff.

Case No. 2:12-cv-138-GZS

## PROCEDURAL ORDER

Before the Court are David Ward's Motion to Dismiss His Counterclaims (ECF No. 93) and the Motion to Enforce Settlement by Concordia LLC and Jeff McKinnon (ECF No. 94). Having reviewed the parties' written submissions as well as the November 14, 2013 Report of Hearing & Order (ECF No. 102) and the follow-up correspondence from Attorney De Vos (ECF No. 103), the Court hereby RESERVES RULING on the pending motions and ORDERS that this matter be set for an in-person conference of counsel at which the Court will discuss preliminary legal questions and scheduling for an anticipated evidentiary hearing on the Motion to Enforce Settlement.

In order to allow all counsel ample opportunity to prepare for the to-be-scheduled conference, the Court provides the following list of issues it anticipates discussing with counsel:

- (1) Whether and under what circumstances Plaintiffs/Counterclaim Defendants would be able to pursue the relief sought by the motion to enforce settlement via a standalone action for breach of contract;
- (2) Whether their respective clients are prepared to waive any right to a jury trial on the factual issues that are raised by the motion to enforce settlement;

- (3) In the event of an evidentiary hearing on the motion to enforce settlement,
- (a) how much time each side estimates the Court should reserve for such a hearing;
  - (b) identification of the anticipated witnesses and, to the extent that those witnesses may include any counsel of record, the impact of Maine Rules of Professional Conduct 1.7 & 3.7.

The Court also invites the parties to raise any other issues that that can be most efficiently resolved prior to the anticipated evidentiary hearing.

SO ORDERED.

/s/ George Z. Singal  
United States District Judge

Dated this 21st day of November, 2013.

